

Remarks

The Examiner acknowledged that Applicants traversed the Restriction Requirement in the reply filed on September 10, 2008 and Applicants acknowledge that claims 22-41, 43-47, and 49-50 are withdrawn as allegedly being drawn to a nonelected invention.

Claims 18, 42 and 48 were rejected under 35 USC Section 112, second paragraph, as being indefinite for containing the term "alkanediyl (alkylene)". Claims 18, 42 and 48 are amended to change the term "alkanediyl (alkylene)" to the term "alkanediyl". Applicants respectfully submit that this amendment renders the rejection moot and request its withdrawal.

Claims 18-21, 42 and 48 were rejected under 35 USC 103(a) as being unpatentable over Oya et al (US 4986845) in view of Morris et al (WO 95/31446). In making this rejection, the Examiner admits that Oya teaches substituted *pyrazoles* but none of the Oya substituents are nitrogen containing. The Examiner further admits that Morris teaches substituted *isoxazoles*. According to the Examiner, the claims require pyrazoles.

First, Applicants would like to point out the claims do not *require* pyrazoles: the substituent Z can be *either* a substituted pyrazole *or* a substituted 2-cyclohexenone. Second, Claims 18, 42 and 48 are amended such that A¹ can no longer be a single bond.

The compounds disclosed in Oya do not include compounds in which the aryl-substituent in 3-position of the phenyl (Y) is comparable to that of the present invention, i.e., the substituent A¹-A²-N(R¹)-A³-R², which is characterized by the nitrogen and by A³, wherein A³ is neither an alkyl nor a hydrogen.

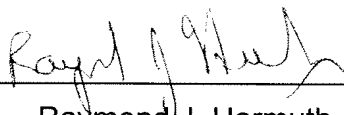
Arylketones substituted by pyrazole or cyclohexenone derivatives are not disclosed in Morris. Furthermore Morris discloses compounds in which the 3-position of the phenyl-moiety has the substituent -X-NR³R⁴, in which X represents -(CR¹¹R¹²)_t, where t=1 or t=2. However, Morris does not disclose oxygen-linked substituents in the 3-position of the phenyl-moiety. Therefore, Morris differs from the claimed compounds not only with respect to the nature of the heterocycle, but also with respect to the substituents on the phenyl-moiety.

As amended, claims 18-21, 42 and 48 cover pyrazole-substituted arylketones and cyclohexenone-substituted arylketones in which the aryl substituent in the 3-

position is linked to the phenyl ring either by an O, S, S=O, SO₂ or N-R⁸, but not by a single bond. Thus the claimed compounds are novel over the combination of Oya and Morris.

If the Examiner remains unconvinced in light of these remarks, Applicants respectfully but urgently request an interview with the Examiner before any future Office Action is issued in this case so that we can talk about the case directly with the Examiner.

Respectfully submitted,

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Q:patents/prosecution documents/cs8336/8336 amendment 5-4-09